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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 12-029

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]**

#### 1. Statutory Authority

In s. NR 47.962 (17), “weed management group” or “WMG” is defined to include “persons that are concerned about invasive plants within a WMA, whether they are a person participating or not”. Section NR 47.962 (8) defines “person participating” to mean “a person who owns 500 acres or less of non-industrial private forest land in the state on which a practice or portion of a practice under the grant will be implemented”. Section NR 47.964 (1) (b) then provides that eligible grant applicants include a “WMG consisting of 3 or more persons of which at least one must be a person participating”. How does the department reconcile s. NR 47.962 (17), and s. NR 47.964 (1) (b) with the requirement in s. 26.38 (2m) (a), Stats., that the “department shall award the grants only to persons owning 500 acres or less of nonindustrial private forest land in this state or to groups in which each person participating owns 500 acres or less of nonindustrial private forest land in this state”?

#### 2. Form, Style and Placement in Administrative Code

- a. In s. NR 47.84 (1m), introductory material that leads into the subsections of the rule should be added after the subsection title. [See s. 1.03 (3) of the Manual.]
- b. In s. NR 47.86 (1) (a), “shall not” should be changed to “may not”.
- c. In s. NR 47.86 (3) (c) 1. (intro.), “any of the following” should be added before the colon.

d. In s. NR 47.962 (5), the parentheses should be deleted. [See 1.01 (6) of the Manual.]

e. In s. NR 47.964 (1) (a), “as herein stated” should be replaced by “in this subchapter”. In sub. (1) (b), “must” should be changed to “shall”. In sub. (2), introductory material that leads into the subsections of the rule should be added after the subsection title. [See s. 1.03 (3), Manual.] In sub. (3) (a), “All of” should be inserted before “The following practices” and a colon should be added after “s. 20.370 (5) (av), Stats.”.

f. The proposed rule should be reviewed in its entirety for unnecessary use of rule subunits. For example, s. NR 47.964 (3) could be written with an (intro.) and pars. (a) to (g) rather than a par. (a) (intro.) and subds. 1. to 7. Other examples appear to include ss. NR 47.965 (2) and NR 47.966 (2).

g. In s. NR 47.966 (3) (e), “all of” should be inserted before “the following”.

h. In s. NR 47.967 (4) (intro.), “either” should replace “one” and the “; or” should be replaced by a period at the end of sub. (4) (a). In sub. (4) (b) (intro.), “all of” should be inserted before “the following”. In sub. (6) “s. NR” should be inserted before “47.964 (3) (a) 2.”.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In the related statutes or rules section of the rule analysis, “, Stats.” should appear after reference to s. 23.2355. Additionally, the department references subch. III of ch. NR 47 as relating to a program that disperses federal funds that are no longer available. If the program is no longer in operation, the department should consider repealing the related portions of the administrative code.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. NR 47.84 (1) (c), a period should be added at the end of the sentence. In sub. (1m) (a), “that” should be changed to “who”. In addition, “s. NR” should be added before “47.87”. Also, the period should be changed to a comma and “Unless” should be changed to the lowercase.

b. In s. NR 47.86 (3) (a), the comma after “May 1” should be deleted. Also, it appears that the end of the sentence was omitted, so the phrase “may specify other application deadlines” should be added after “nonprofit organization grant agreement”.

c. In s. NR 47.86 (3) (c) 1. b., a period should be added after “sub”. In sub. (3) (c) 2., “they” should be changed to “the funds”.

d. In s. NR 47.961, “Weed Management Groups” should be changed to the lowercase.

e. In s. NR 47.962 (8), “non-industrial” should not be hyphenated. In sub. (10), the second period should be deleted. In sub. (14), “Chief State Forester” should be changed to the lowercase. The same capitalization problem also occurs in subs. (16) and (17).

f. In s. NR 47.963, “Administration” should be changed to the lowercase.

g. It appears that s. NR 47.964 (1) (a) should be clarified by stating that a person or weed management group that owns the nonindustrial private forest land is the applicant and that lands that meet the program requirements are eligible for assistance. In sub. (3) (a) 2., “one time” should be hyphenated. In sub. (3) (a) 7., a period should be added at the end of the sentence.

h. In s. NR 47.965 (1) (b), “state forester” should be changed to “chief state forester”. In sub. (2) (a) 3., “Practice” should be changed to the lowercase.

i. In s. NR 47.966 (1) (a), a period should be placed after “par”. In sub. (3) (a), “The” should be inserted before “Application deadline”. Also, the comma before “and” should be deleted and “are” should be changed to “is”. In sub. (3) (h), “the” should be inserted before “department”. In sub. (3) (i), “the” should be inserted before “date”.

j. In s. NR 47.967 (4) (a), “is” should be inserted between “that” and “needed”. In sub. (6), “Start up” should be hyphenated. Also, it appears that either “or” or “and” should be inserted between “species” and “other”. In sub. (8), “Match” should be changed to “Matching funds”.

k. In s. NR 47.968, “who” should be changed to “that”. Also, “State Forester” should be changed to “chief state forester”.

l. In s. NR 47.970 (2), a period should be added at the end of the last sentence.

m. In SECTION 18, the word “adoption” is spelled incorrectly.